

## **AMENDMENTS TO THE DRAWINGS**

The attached two "Replacement Sheets" (sheets 2/24 and 5/24) of drawings include changes to Figures 4 and 11. The attached "Replacement Sheets," which include Figures 3-5 and 11, replace the two original sheets (sheets 2/24 and 5/24) including Figures 3-5 and 11.

Attachment: Replacement Sheets

## REMARKS

Claims 85-110 are now pending in the application. Claim 85 is amended herein. Support for the amendment to claim 85 can be found at least in Figures 31-34 of the present application. Claim 90, 103 and 105 are amended herein. Support for the amendment to these claims can be found at least in Paragraphs [0050], [0091] and [0094] of the present application. Paragraphs [0001], [0014], [0017], [0018], [0020] and [0055] are amended herein. Support for the amendments to these paragraphs can be found at least in the drawings. The second occurrence of Paragraph [0004] that appeared on page 9 of the originally filed application is changed to Paragraph [0051.1].

The Examiner is respectfully thanked for the telephonic interview of April 19, 2005. During that interview, no exhibits were given and no demonstrations were conducted. Claims 85 and 104 were discussed relative to the Jack reference. The substance of those conversations is contained below when addressing the specific rejections of these claims based upon the Jack reference. Additionally, claim 91 was discussed relative to the claim language used therein. The substance of that conversation is contained below when addressing the objection to that claim. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## INFORMATION DISCLOSURE STATEMENT

The four documents listed in the Office Action that were improperly identified due to a typographical error in the Information Disclosure Statement filed on April 15, 2004 should have been identified as:

2003/0010805	01/2003	Nelson et al.
2003/0012620	01/2003	O'Banion et al.
2002/0014516	02/2002	Nelson et al.
2002/0125297	09/2002	Stol et al.

The Examiner is thanked for her willingness to consider these references.

#### **DRAWINGS**

The drawings stand objected to for certain informalities. Figure 4 has been amended to include reference indicia 28, 30 and 40. Figure 11 has been amended to include reference indicia 50". Furthermore, the description of the drawings has been amended in the specification. The Examiner's approval to the drawing changes is requested. Applicant respectfully submits that with the changes shown in the attached revised drawings and the specification that the objection is now rendered moot and withdrawal of the instant rejection is requested.

#### **SPECIFICATION**

The specification stands objected to for a certain informality. Applicant has amended the specification according to the Examiner's suggestion. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

#### **CLAIM OBJECTIONS**

Claims 90, 91, 103 and 105 stand objected to because of informalities. Claims 90, 103 and 105 are amended herein. It is believed that with the amendment to these claims

the objection is now rendered moot. Accordingly, withdrawal of the objection to claims 90, 103 and 105 is requested.

Claim 91 calls for “wherein at least one of said angular segments and flange segments is configured to receive said driving force.” It is respectfully submitted that this claim is properly worded and properly describes one or more of a list of alternatives. Applicant respectfully submits that claim 91 clearly states that either an angular segment, a flange segment, or both may be configured to receive the driving force. Thus, it is respectfully submitted that claim 91 is properly worded and withdrawal of the instant objection is requested.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 85, 86, 87, 90, 91, 104, 105, 106, 109 and 110 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jack (U.S. Pat. No. 2,524,806). This rejection is respectfully traversed.

Claim 81 calls for “said flange segments are separate and spaced apart prior to said angular segments moving toward one another.” In contrast, the Jack reference, as interpreted in the Office Action, discloses first and second flange segments that are connected portions of head 2, as shown in Figure 1 of the Jack reference. These alleged flange segments, however, are not separate and spaced apart as called for. In fact, these alleged flange segments in Jack are always connected to one another and are never separate. Thus, for at least this reason it is respectfully submitted that claim 85 is not anticipated by the Jack reference. Claims 86, 87, 90 and 91 all depend from

claim 85 and, therefore, for at least this same reason are also patentable over the Jack reference. Accordingly, withdrawal of the instant rejection is requested.

Claim 104 calls for “driving the elongated segments through the framing members . . . until the flange segments are in contact with one of the framing members.” Thus, claim 104 calls for driving the elongated segments through the framing members until the flange segments touch or are in contact with one of the framing members. In contrast, the alleged flange segments of head 2 in the Jack reference are not driven into contact with tie plate A. Rather, the alleged flange segments are elevated above tie plate A and do not touch the tie plate. Thus, for at least this reason it is respectfully submitted that claim 104 is patentable over the Jack reference. Claims 105, 106, 109 and 110 all depend from claim 104 and, therefore, for at least the reasons stated above with reference to claim 104 are also patentable over the Jack reference. Thus, withdrawal of the instant rejection is requested.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 92-102 are allowed. The Examiner is respectfully thanked for the allowance of claims 92-102. The Examiner further states that claims 88, 89, 103, 107 and 108 would be allowable if rewritten in independent form and to overcome the objection (related to claim 103). The Examiner is respectfully thanked for this objection.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 21, 2005

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